

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2021/62/93929/W
Site Address:	19, The Ghyll, Fixby, Huddersfield, HD2 2FE
Description:	Erection of two storey rear and first floor side extensions and external alterations
Recommending Officer:	Sam Jackman

DECISION - REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 07-Feb-2022

SITE DESCRIPTION – 2021/93929

19 The Ghyll, Fixby is a modern 1970's detached property built from random stone with a concrete tiled roof.

The property is designed with the roof ridge as a 'T' shape where the front gable central to the plot projects 1.1m from the right-hand side of the property, with the rear gable projecting 0.6m. The ridge running from front to back of the plot is slightly higher than the ridge running at right-angles to this.

Due to the topography of the area, the property is slightly set down from The Ghyll, with the property to the right (NW) is at a higher level with the property to the left (SE) being at a lower level.

The property sits within a wide plot albeit narrow in depth, with an attached double garage linked via a small utility towards the rear of the garage, where the garage is located to the SE of the property, adjacent to the boundary where the property is at a lower level.

DESCRIPTION OF PROPOSAL

The application is for a first-floor extension over the garage and a 2-storey rear extension across the full width of the property including the utility and garage.

The extension would create a new entrance lobby, larger lounge, a large open plan kitchen dinner, new utility and WC to the ground floor. The first-floor would enlarge 2 bedrooms, create an additional 2 bedrooms (5 double bedrooms in total), study and storeroom, with 2 additional en-suite.

At ground floor the area between the property and garage will be incorporated into the new open plan kitchen, an area of 6²m.

The extension over the garage would be approx. 6m by 6m.

The extension behind the garage and utility would project 2.4m by 6.6m. The eaves would be 5.6m on the gable with an overall height of 7.1m in line with existing ridge running from front to back.

The extension to the rear of the property would project 3m, retaining the stepped rear elevation and gable, where the rear gable would be increased in width by 2.3m from 4.3m to 6.6m. The eaves would be 5.2m with an overall height of 7m a continuation of the existing ridge line. The first-floor extension directly to the rear of the lounge would have a catslide roof, incorporating a dormer with the eaves at 4.1m

The overall width of the rear extension would be 19.3m by a max projection of 3.6m

The extensions would be built from materials to match the host property.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F93929>

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent given the level of accommodation required and the potential re-design of the extension to make it acceptable in this case.

The agent was informed of the recommendation on the 25th November, with a response received on the 3rd Dec with the target date on the 6th Dec. The agent confirming a substantial redesign was intended to be submitted, no further response has since been received. An email dated 5th Jan was sent to the agent requesting an update with no reply received to date.

RELEVANT HISTORY

None

PUBLIC/MEMBERS RESPONSE

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter.

As such, we have publicised this application via neighbour notification letters which expired on the 17.11.21, whereby 1 letter of representation has been received objecting to this application.

A summary of the comments received is set out below:

- Overlooking
- Could potentially be a HMO in the future

CONSULTATION RESPONSES

None

POLICY

The site is unallocated on the Kirklees Local Plan, where the following policies are therefore considered to be applicable in the consideration of this application: -

Kirklees Local Plan (LP):

- LP 1– Achieving sustainable development
- LP 2 – Place shaping
- LP 22 - Parking
- LP 24 – Design
- LP 30 - Biodiversity and geodiversity

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st July 2021, together with Circulars, Parliamentary Statements and associated technical guidance

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Supplementary Planning Documents

- House Extensions and Alterations Supplementary Planning Guidance (SPD)

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

ASSESSMENT

Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

In terms of extending and making alterations to a property, Policy LP24 of the Local Plan is a key material consideration when assessing such proposals, which relates to good design amongst other matters, whereby,

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape...” and “c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

Chapter 12 of the NPPF which strongly emphasises the importance of good design and how this can contribute to the overall quality of the area not just for the short term but over the lifetime of the development. Whereby 126 provides a principal consideration concerning design which states:

“The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Finally, the newly adopted Supplementary Planning Document on House Extensions and Alterations (adopted June 2021), Key Design Principles 1 and 2 are relevant which state:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”
- Principle 7 - requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

In section 5.21 of the Supplementary Planning Document refers to first floor side extensions where spaces between houses, including driveways, are important in providing a sense of space, local character and attractive appearance of an area and should be retained. Two-storey and first floor side extensions can cause a negative impact on the street when used to close the gap between semi-detached or detached houses. This can create a terracing effect in a non-terraced street.

The SPD goes on to state that first floor side extensions should, as a guideline:

- ideally be visually smaller in relation to the original house;
- be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;
- have a roof design that follows the form of the existing roof; and retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.

The SPD also refers to rear extensions which should maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended. This should include consideration of the following:

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Being set behind the original building, and not projecting beyond the sides; and
- Maintaining external access to the rear garden.

5.2 of the Supplementary Planning Document refers to the general rules, where a rear extension should:

- respect the original house and garden in terms of its size and scale;
- use appropriate materials which match or are similar in appearance to the original house; and
- not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

These policies are taken into account in the assessment of the impact of the proposal upon visual / residential amenity sections of this report.

Taking the above into account, the principle of extending residential properties in an identified settlement upon unallocated land can be considered to be acceptable. However, careful consideration must be made in regard to the size of the plot and position of the proposed new extension in relation to its surroundings. An assessment of this, along with all other material planning considerations, including visual and residential amenity, shall be set out below

Impact on visual amenity:

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape...” and “c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

19 The Ghyll is a modern detached property within a development of mixed individual style properties, both 2- storey and single storey where the majority are detached in fairly large spacious plots.

The large spacious plots retain a good separation distance between the host property and boundaries providing large open vista's through to the rear and properties beyond.

In this case the application is for a first-floor side extension and a 2- storey rear extension to the rear of the property and garage as extended.

The proposed extension has been designed with materials to match the host property and repeating the gabled roof, with the roof line running through into part of the rear extension. The design and materials are considered to be acceptable in principle in this case.

The existing garage roof is dual pitch running from front to back with a small gable, similar to that of the host property. The garage when viewed from the front is separated from the property by a passage of 1.8m wide with a small utility towards the rear linking the garage to the host property. The proposed first-floor extension over the garage would infill this area and extend a further 2.4m at the rear. As a result of the overall depth of the property once extended would result in the roof changing direction 90 degrees so that it would run from side to side of the plot and the new ridge would be in line with the existing ridge of the host property.

With regards to the Supplementary Planning Document the following guidelines are relevant and state extensions should:-

- ideally be visually smaller in relation to the original house;
- be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;

- have a roof design that follows the form of the existing roof; and retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.

In this case the extension would retain the set back from the front elevation of approx. 1.5m and a 1m gap to the boundary to allow access to the rear.

However, the roof wouldn't be set down and albeit would have a pitched roof the roof over the garage would rotate 90 degrees so that the extension would introduce a gable along the boundary with No 17, rather than the existing hipped roof. Furthermore, principle 1 states that "extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene." Along with principle 2, in that "extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail." This is also reflected in policy LP24 of the local plan. In this case the size of the side extension would dominate the host property and wouldn't be seen as subservient, adding considerable bulk to the property, contrary to the Supplementary Planning Document and policy LP of the local plan.

It is accepted that properties within the area have built first-floor extensions over the garage, but in these cases, they haven't extended to the rear increasing the depth of the property and in any event have been built before the adoption of the current Local Plan & Supplementary Planning Document. Furthermore all properties within the area have been individually designed, with no two identical, and therefore they all relate differently to their neighbours.

In addition to the first-floor side extension the property would be extended to the rear, where under normal circumstance there would be limited view of the rear as the gap between properties would be a lot closer.

However, due to the open vistas between the host property and its neighbours the rear extension would be seen, however, regardless of this the rear extension would have a minimal impact on the visual amenity of the area and the street scene.

The combined extensions in relationship to the host property would increase this 3-bedroom property to five larger bedrooms, which would not be considered as a subservient addition to the host property and the combined extensions would have an unacceptable impact on the visual amenity of the street scene.

The proposals therefore fails to comply with Policy LP24 of the Kirklees Local Plan (a & c) and advice in the SPD in that the extensions would not cumulatively be subservient to the original building, as well as the aims of chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and advice within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

Paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

Section B and C of LP24 states that alterations to existing buildings should:

"...maintain appropriate distances between buildings' and '...minimise impact on residential amenity of future and neighbouring occupiers."

Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

In this case the properties most likely to be affected by the proposal are considered to be No.17 & 19 the Ghyll either side of the property and No.36 the Fairway behind. With 22 & 20 The Ghyll, opposite. The impact of the proposal upon the occupiers of the host property is also considered.

Impact on No.17 the Ghyll

No. 17 is to the east of the property and is situated at a lower level, where their property is approx. 6.5m from the boundary, with an overall separation distance of 10m, a similar relation to that between the host property and No. 21 to the west. No. 21 was originally a bungalow and has recently built a first-floor over the previous bungalow clearly showing the new relationship that would exist between the host property and No 17. Albeit in the case of this current application the hipped garage roof would be replaced with a new first-floor gable furthermore the distance is less to the shared boundary than the property above.

Therefore, it is considered that albeit there would be no overshadowing due to the orientation of the properties with each other. The introduction of the gable along the boundary would have an overbearing effect given that the garage will also be extended to the rear with a 2-storey extension by an additional 2.4m. Therefore, the relationship is different to the application approved at No.21 as it was a first-floor extension over the existing bungalow with no additional 2-storey extension.

Furthermore, there would be no overlooking as there are no windows in the side elevation.

Impact on No. 21 the Ghyll

No. 21 is to the west of the property is at a higher level, where the properties have an overall separation distance of 11m, furthermore this property was up to recently, a bungalow which has now been extended to a 2-storey property.

The proposed extension to the west of the property is smaller in scale to that on the east elevation in that the extension is to the rear only with a catslide roof with no side windows.

Therefore, it is considered that the proposed extension close to this neighbour would have no detrimental overshadowing, overbearing or overlooking impact to the neighbours at No 21.

Impact on No.36 the Fairway

No 36 is to the rear of the property where the current separation distance is 21m, where this will be reduced 18m which would comply with the Supplementary Planning Document referred to in section 4.1, which therefore, in principle wouldn't create any overlooking. However, in this case the rear elevation of both properties don't directly face one another, with No 36 facing towards the garage. Therefore, it is accepted that the creation of a new first-floor over the garage would create a new relationship with first-floor windows in No. 36, but would still have an 18m separation distance, complying with the Supplementary Planning Document.

With regards overshadowing and overbearing, the property is to the North of this neighbour so no significant level of overshadowing would occur, however, the additional extension over the garage and the additional 2-storey rear extension would have the potential of having an overbearing effect on this neighbour. However, the separation distance would be retained the dividing boundary is not equal distance between the properties. Therefore, the distance of the extension to the boundary would be reduced to 6m, which would contribute to the extension being overbearing when using the garden at No 36.

Impact on No. 20 The Ghyll opposite

No. 22 is located to the northeast of the application dwelling and benefits from a separating distance of approximately 21m. The proposed development would not reduce this separating distance thereby according with section 4.1 of the Supplementary Planning Document. While it is proposed that the addition of a first floor extension over the garage might over shadow this dwelling it is noted that no. 17 The Ghyll shares a similar relationship with no.20 and that this dwelling is currently a two storey property. The changes to the internal layout of the dwelling would not have an adverse impact on no.22.

Impact on No. 20 & 22 The Ghyll

No. 22 is located to the north/ northeast of the application dwelling and benefits from a separating distance of approximately 30m from the first-floor extension over the garage. Where this would be an acceptable distance not to

create any impact on this neighbour with regards overbearing, overshadowing or overlooking.

The proposal would lead to a reduction in usable amenity space with the rear garden being used to accommodate an extension the full width of the property. The rear garden is not of a great depth and would see the garden space reduced to 6.5m to the whole of the garden to the rear of the property.

The proposal would see the amenity space become more constrained, although it would not be a reduction of 50% of the garden space. As such it is considered that, on balance, the proposal would be acceptable in this regard.

Taking account of the assessment of the proposals impact upon the amenity of neighbouring occupiers, it is considered the proposal would have a detrimental impact by virtue of being unduly oppressive / overbearing and refusal for this reason is therefore recommended.

Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

In terms of highway safety there are no highway issues as the drive is not being affected by the proposal and can still accommodate 2 cars, plus 2 cars in the garage as such would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

However, if minded to approve then a condition would be added for the garage to be retained for the parking of vehicles given that the property is going from 3 to five bedrooms.

Other matters:

Climate Change –

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

Biodiversity –

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact that albeit the extension will connect into the existing roof, the property in this case appears to be well sealed and maintained with little opportunity for bats.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Representations:

It should be noted that one representation has been received as a result of site publicity.

A summary of the comments received is set out below:

- Overlooking
Response: this issue has been addressed in the report above.
- Future HMO
Response: Planning permission would be required for a HMO, however, 6 people could live in the house as a family without planning permission (student accommodation)

Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and the application of policies in the NPPF. Refusal is therefore recommended.

Decision Authorisation - Delegated Powers

Application Number: 2021/93929

Officer Recommendation: REFUSE

Reasons for refusal

1. The proposed development, by reason of its siting, scale, mass and relationship with the host building would fail to represent a subservient addition to the property introducing an unsympathetic, incongruous and overly prominent form of development which would be detrimental to the visual character and appearance of the host property and wider local area. The proposal as such would be contrary to Policy LP24 (a and c) of the Kirklees Local Plan, Principles 1 and 2 of the House Extensions and Alterations SPD and paragraph 127 of the National Planning Policy Framework.
1. The proposed development, by reason of its siting, scale and proximity to neighbouring land would result in an overbearing and oppressive impact upon the residential amenity of the occupiers of the adjoining dwellings No 17 The Ghyll and No36 The Fairway. To permit such a development would be contrary to policy LP24 (b) of the Kirklees Local Plan, Principle 6 of the House Extensions and Alterations SPD and paragraph 130 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Existing layout & elevations & Location Plan 1:1250	21.1150/(EX) 01		12.10.21
Proposed layout & elevations & Location Plan 1:1250	21.1150/(AL) 01		12.10.21

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The Case Officer did not undertake any negotiations with the agent given the level of accommodation required.

Recommendation and Authorisation Box

Report Dated:

26.1.22

Coal – low risk